



## City of Seattle

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**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT**

**Application Number:** 3013342  
**Applicant Name:** Susan Busch of Hewitt Architects for Pine & Melrose, LLC  
**Address of Proposal:** 301 East Pine Street

### **SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 9-story residential building with 205 dwelling units and 16,468 sq. ft. of commercial (retail) space at grade. Parking for 170 vehicles will be located below grade. Two existing apartment structures to be demolished. The project will retain the façade and partial structure of remaining existing buildings.

The following Master Use Permit components are required:

#### **Design Review Departures (SMC Chapter 23.41)**

Development Standard Departure to allow more than 20% residential use at the Bellevue Avenue street frontage. (23.47A.005.C.3)

Development Standard Departure to exceed the maximum dimensions for structural building overhangs (23.53.035.A.2)

Development Standard Departure to reduce the minimum setback above character structures on all three street frontages (SMC 23.73.014.B.2.b)

#### **SEPA-Environmental Determination (Chapter 25.05 SMC)**

### **DPD SEPA DETERMINATION:**

Determination of Non-significance

- ☐ No mitigating conditions of approval are imposed.
- ☒ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

Site:

The site is zoned NC3P-65 and located in the Pike Pine Conservation Overlay District. This zoning and overlay continues to the north, south, east and west.

The site is 30,000 square feet in size and slopes from the east property line down to the west, with approximately 18' of grade difference across the site.

Existing vehicular access is via existing curb cuts at Melrose Ave and Bellevue Ave.

Current Development:

There are four buildings currently located on the site, as well as surface parking.



#1 – 301 E. Pine Street (Melrose Building: 1-story commercial use; character structure listed in Director’s Rule)

#2 – 1535 Bellevue Ave (Timken Roller Bearing Building: 3-story mixed-use; character structure listed in Director’s Rule)

#3 – 1530 Melrose Ave (Warren Knapp Gallery: 1-story commercial use, character structure not listed in Director’s Rule)

#4 – 1524 Melrose Ave (single family structure, more than 75 years old so qualifies as a character structure; not listed in Director’s Rule)

Surrounding Development and Neighborhood Character:

Across E. Pine Street to the north are an adaptive reuse commercial building (Butterworth Mortuary) and a new residential building under construction (Pine Street Condominiums). Across Melrose Ave to the west are early 20th century 1-story retail and restaurant buildings, including Melrose Market. Across Bellevue Ave to the east is a combination of early 20th century residential, commercial and mixed-use structures. Abutting the south property line are two early 20th century residential buildings (Melrose Apartments and Garden Studios Apartments).

Walking, bicycling, and public transit are all common alternatives to driving in the Capitol Hill neighborhood. The site is surrounded by bus routes providing direct access to and from Madison Valley, Downtown, North Capitol Hill, and the University District. The Convention Center station is located across I-5 a few blocks to the west, with additional transit opportunities via light rail and bus.

A mixture of historic brick apartment buildings, industrial “auto row” style buildings, and contemporary mixed-use developments are commonly found in the immediate context.

Three of the five existing structures are proposed to be retained as character structures under the Pike Pine Conservation Overlay. Two of the structures (Melrose Building and the Timken Building) would be completely retained, with replacement or restoration as needed, potential mezzanines added or retained (as applicable) in the street level spaces, and rearrangement of the interior apartments in the upper levels. The Warren Knapp Gallery building façade would be retained. The residential structures on the south portion of the site are proposed for demolition.

**EARLY DESIGN GUIDANCE MEETING: July 18, 2012**

The EDG packet includes materials presented at the EDG meeting, and is available online by entering the project number at this website:

[http://www.seattle.gov/dpd/Planning/Design\\_Review\\_Program/Project\\_Reviews/Reports/default.asp](http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp)

or contacting the Public Resource Center at DPD:

**Address: Public Resource Center**  
700 Fifth Ave., Suite 2000  
Seattle, WA 98124

**Email: [PRC@seattle.gov](mailto:PRC@seattle.gov)**

The applicant noted at the EDG meeting that Concept D includes an additional floor compared with Concept C, due to the way grade is measured. The two concepts would be the same height, but an additional floor may be possible in Concept D due to measurement techniques in the Land Use Code.

Concept D, the preferred option, includes the original entrance to the Timken building combined with the proposed residential entry at Bellevue Ave. The Bellevue Ave façade would be divided with the intent of responding to the scale of the Timken building. The street level is proposed to be recessed from the property line. The second floor is proposed with integrated balconies with glass rails at the second floor. The upper floors would include a street wall at the property line.

The garage entry is proposed near the southwest corner of the site and accessed from Melrose Ave, adjacent to the pedestrian entry to the private residential courtyard. A second story deck and trellis would be used to conceal the vehicular entry at Melrose Ave. The trellis is proposed as a way to soften the vehicular entry, signify the courtyard entry, and respond to the belt course datum line on the Melrose Apartments. The pedestrian entry to the plaza from Melrose Ave would include wide stairs and a gate set back from the sidewalk. The existing retaining wall would be removed adjacent to the Melrose Apartments building, and replaced with landscaping and a green screen to provide additional light and air to the lower units in that building.

An L-shaped courtyard is proposed with Concept D, providing light and air to the courtyard-facing units. The design intent of the northeast element is a high level of transparency, with a spandrel glass and glazed element at the northwest corner. The street-facing facades include a minimal number of decks, in order to create a stronger street wall. The upper level of the proposed structure would include landscaping and decks with potentially transparent balcony rails.

The proposed upper level step backs from the character structures vary between 12'-20', which requires a departure from the 15' set back from a character structure. The Bellevue Ave façade is proposed with more than 20% residential uses, which would also require a departure.

The applicant and DPD clarified that the Warren Knapp Gallery is a character structure, but not on the Director's Rule List. DPD clarified that retaining one of the character structures would allow the proposal to qualify for the incentives under the Pike Pine Overlay. The proposal includes retention of three character structures on site, two of which are listed in the Director's Rule.

The applicant noted that the character structures may have some challenge with retaining the character structure windows and they could require reconstruction or restoration. The intent is to maintain the structures and fenestration during construction and restore wherever needed.

## **PUBLIC COMMENT**

The following comments, issues and concerns were raised:

- Appreciated the extent of the preservation and restoration of the character structures.
- Concerned that the proposed development is out of scale with the context and the development will block views.
- Noted that the proposal is in context with the scale of nearby development such as the McDermott Apartments.
- Appreciated the response of the developer and architect to neighborhood feedback.
- Pike Pine Urban Neighborhood Council and Historic Seattle comments:
  - The proposal is the best development response yet seen in the Pike Pine Overlay district.
  - Maintaining and restoring character structures is a very positive aspect of the proposal, including retaining the retail space and the interior residential renovation to keep current windows.
  - The ground level street frontages on Bellevue need additional attention. The inset storefront is a concern.
  - Warren Knapp building needs to be preserved and the proposed development scale needs to relate to this and the other character structures.
  - Melrose Ave has experienced recent development attention and an increased focus as a pedestrian street. The proposed vehicular access design needs to respond to this street character.
- Concerned about lack of façade setback on Melrose Ave, and asserted that the scale of the development needs to step down to respond to nearby context.
- Melrose has been identified as a potential festival street. The applicant should work with other property owners on this street regarding this possible street use and the proposed vehicular access.
- The Bellevue Ave facade needs to include retail.
- The parking should include spaces for commercial tenant parking and should be available to nearby retail tenants.
- Stated that the internal support for the new upper level development should not be located in the retail spaces. The tall ceiling heights and open spaces are a very positive aspect of the existing retail spaces.
- Details and finishes will be important in making the addition successful in responding to the existing building scale. The building will set standards for development in this area and it should include high quality materials.
- Concerned about the appearance of the south-facing façade; it's very important for the neighboring and nearby residential units' views. The south wall should be varied with articulation and modulation to maximize light and views of the horizon. The appearance of the south wall should be designed for visual interest for nearby residential units facing this development.
- Concept D includes a step in the roofline, which is appropriate since it reflects the context of nearby buildings. However, the northwest corner of Concept C and the upper level penthouse treatment provide a better response to enhancing the character structures.

- The expression of the upper mass should break the addition into multiple pieces in response to the scale of the multiple buildings at street level.
- The character structure portion should remain funky and eclectic to reflect the character of the neighborhood.

### **FINAL RECOMMENDATION MEETING: May 15, 2013**

The packet includes materials presented at the meeting, and is available online by entering the project number at this website:

[http://www.seattle.gov/dpd/Planning/Design\\_Review\\_Program/Project\\_Reviews/Reports/default.asp](http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp)  
or contacting the Public Resource Center at DPD:

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Seattle, WA 98124

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The applicant noted that the color palette of the accent colors shown in the packet may change. The intent of the accent colors is to choose a palette that enhances certain areas of the building. The applicant explained that their hope is that the Board can recommend use of accent colors that enhance the design, but leave the specific color choice to the applicant.

The proposed vehicular access is from Melrose Avenue. The applicant presented an alternate plan and section that showed possible parking access from Bellevue Ave, but explained that the parking on Melrose Ave is preferred, since it will allow more courtyard area and provide paid commercial parking to complement the nearby retail uses.

The applicant noted that the character structure facades may have to be rebuilt since the masonry and details may not be stable enough to withstand construction. If they have to be rebuilt, the intent is to match the existing original structure.

The solid waste will be collected from the area adjacent to the garage entry. Move in/move out areas are provided in the garage below grade.

### **PUBLIC COMMENT**

The following comments, issues and concerns were raised:

- The façade of the new portion of the building should “disappear,” rather than so clearly reference the historic portions of the building.
- Concerned about the rent prices of newer development. Higher rents make it difficult for Capitol Hill to retain the current culture.
- Accent colors tend to become dated. The accent colors don’t enhance the overall design.
- Commercial parking is needed and appreciated at this site.
- The scale of the building and the contrast between old and new are successful aspects of the design.

- The storefronts should be designed with individual character to enhance retail, similar to the existing retail spaces on site.
- The proposal is a great example of how to gain extra height by retaining character structures.
- The retention of the existing storefronts, and the clear design to the Pike Pine area are positive aspects of the proposal.
- The use of metal and use of accent colors needs to be very subtle in order to enhance the character structures.
- The Melrose building should be restored to original brick color or similar finish, in order to enhance the contrast between old and new.
- The interior of the street level spaces should be retained, in addition to the exterior.
- The retention of the character of the buildings is a positive aspect of the design.
- The scale of the materials, the use of modulation, and the articulation are successful.
- The solid waste and commercial loading needs have been underestimated. The proposal should include two points of vehicular access to accommodate commercial needs.
- It would be interesting to see the construction methods for retaining the existing facades.
- The driveway should be designed for adequate sight triangles. On-street parking shouldn't be located too close to the garage entry.
- The parking garage entry on Melrose is a concern because it reduces possible closures of Melrose promenade.
- The stairs on Melrose shouldn't be gated. Open stairs would allow human activity on the street frontage to off-set the impacts of the parking garage.
- The garage entry and stair should be planted to create a softer transition to the sidewalk.
- The trellis should include planters to encourage faster coverage of the trellis with vines.

## PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

### EARLY DESIGN GUIDANCE (JULY 18, 2012):

Note: Option D has one more story than Option C. The height is the same and the setbacks are the same, but the grade planes used to measure height are different so the result is an additional floor.

1. **Bellevue Avenue:** The proposed overhang is a challenge for a successful commercial façade on this street frontage.
  - a. If residential use is proposed at grade, active residential uses should be located at that façade (community room, residential entry, etc.). (A-4, D-12)
  - b. The Board was supportive of departures to locate the parking access at Bellevue Ave. The Board noted that the parking access should be located on this street frontage rather than on Melrose Ave, and it should be located as far south on the block as possible. (A-2, A-8, A-9, C-5)
  - c. The east facing portion of the building should read as a stand-alone structure, in response to the scale of adjacent residential buildings and the need to reduce the scale of the upper level development. (A-2, B-1, B-2, B-3, C-1, C-2, C-4)

- d. The Board supports the residential entry at Bellevue Ave. (D-12)
  - e. The applicant acknowledged the concern about loitering in the inset street level area, and they are considering design solutions to address this.
2. **Melrose Avenue:** The character of this street has recently changed to become a strong pedestrian and retail corridor.
- a. The Board supported locating the parking access at Bellevue Ave and replacing the current proposed garage entry with commercial use, to respond to the strong pedestrian and retail character on Melrose Ave. (A-2, A-4, A-8, A-9, C-5, D-1)
  - b. Enhance the proposed courtyard entry at Melrose Ave to provide relief in the retail street frontage. Consider wrapping the retail and outdoor seating areas into the courtyard entry. (D-1, E-2)
  - c. The design of the upper level building mass facing Melrose Ave should relate to the scale of the Warren Knapp Gallery and Melrose Market buildings, as well as other buildings on the block. (A-2, B-1, B-2, B-3, B-7, C-1, C-2)
3. **Upper Building Mass**
- a. The design of the upper levels should be simply expressed to enhance the details of the character structures, similar to Concept D. (B-2, B-3, B-7, C-2, C-4)
  - b. The upper building mass needs to be divided into distinct masses and provide the appearance of multiple buildings. The expression and scale of the upper building mass should relate to the scale of the character structures at street level. (B-1, B-2, B-3, B-7, C-2, C-4)
  - c. The articulation of the upper building mass to create the appearance of separate buildings should also be clearly expressed on the south façade. (A-5, B-1, B-2, C-2, C-4)
  - d. The Board was supportive of the proposed massing above the Timken and Bauhaus buildings, but this massing pattern should be continued to the development above the Warren Knapp Gallery. (A-2, B-1, B-2, B-3, B-7, C-1, C-2)
  - e. A high level of materiality and craft is expected, given the high visibility of this corner, and significance of these character structures in the Pike Pine Overlay. (A-1, B-2, B-3, B-7, C-1, C-2, C-4)
4. **Concept D**
- a. Positive aspects of the preferred concept include the stepped roofline of the building and the courtyard design response to the adjacent apartment building. (A-2, B-1, D-1, C-2, E-2)
  - b. The Board directed the applicant to move forward with Concept D, with the changes described in the guidance above.
  - c. The Board noted they will be interested to see more information about the proposed services and solid waste, given the lack of an alley at this site (D-12)

#### **FINAL RECOMMENDATIONS (MAY 15, 2013):**

1. **Bellevue Avenue:** The Board discussed the design of Bellevue Ave streetscape, and determined that the design responds to the Early Design Guidance. (A-2, A-4, B-1, B-2, B-3, C-1, C-2, C-4, D-12)

2. **Parking Access:** Parking access from Melrose Avenue instead of Bellevue Avenue is an appropriate design response, due to the provision of public commercial parking. (A-2, A-4, A-8, A-9, C-5, D-1)
  - a. The Board noted that the concern about a curb cut at Melrose that was discussed at EDG revolved around the possible use of Melrose as a festival street with street closures. The applicant seems to be working with the community on this issue, so it's less of a concern now.
  - b. The location of the parking access is acceptable, but the Board recommended a condition to maximize the pedestrian experience at this location, including additional vegetation at the street level.
3. **Location of the Gate and Visual Access to the Residential Courtyard:** The view from the street through to the courtyard should be as clear and direct as possible. The gate design and placement should be located to enhance the public realm, as well as create a transition between the parking access and adjacent pedestrian experience. (A-2, A-4, A-8, C-2, C-4, C-5)
  - a. The Board recommended a condition to locate the pedestrian gate further to the east and create a publicly accessible area adjacent to the sidewalk.
  - b. The Board also recommended a condition to ensure that the design of the pedestrian gate is consistent with the design concept of the rest of the building.
4. **The Second Floor Retail Terrace at Melrose Avenue:** The Board recommended a condition that the retail terrace above the garage entry should be designed to maximize human activity interaction with the street level. (A-2, A-4, A-8, C-2, C-4, C-5)
  - a. Possible solutions include maximizing visual porosity in the railing and providing visually open circulation to the second floor terrace (rather than circling back through the retail space), or connecting the south stairs to the second floor terrace.
5. **Design Concept (Upper Levels):** The Board noted that the proposed materials are high quality and enhance the character structures. The Board discussed the color palette and the possible use of accent colors, and had no recommended conditions. (B-1, B-2, B-3, C-1, C-2, C-4)
6. **Proposed services and solid waste management:** The Board recommended a condition that the applicant should demonstrate to the DPD Planner that the plan for solid waste collection and commercial loading will have minimal impacts to the pedestrian experience on Melrose Ave. (D-12)

## DESIGN REVIEW GUIDELINES

The Board identified the following Citywide and Neighborhood Design Guidelines of highest priority for this project.

- A-1 **Responding to Site Characteristics.** The siting of buildings should respond to specific site conditions and opportunities.

*Pike/Pine: Characteristics and opportunities to consider in Pike/Pine include both views and other neighborhood features including:*

- *A change in street grid alignment causing unique, irregular-shaped lots, including Union and Madison and 10th and Broadway Court*



- *“Bow tie” intersections at 13th/14th between Pike/Pine/Madison*

- A-2 **Streetscape Compatibility.** The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.
- A-4 **Human Activity.** New development should be sited and designed to encourage human activity on the street.
- A-5 **Respect for Adjacent Sites.** Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.
- A-8 **Parking and Vehicle Access.** Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.
- A-9 **Location of Parking on Commercial Street Fronts.** Parking on a commercial street front should be minimized and where possible should be located behind a building.

*Pike/Pine: Garage entry ways facing the street should be compatible with the pedestrian entry to avoid a blank façade. Steel mesh is a preferred alternative to solid doors.*

- B-1 **Height, Bulk, and Scale Compatibility.** Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential on the adjacent zones.

**B-2 Pike/Pine: Neighborhood Scale and Proportion**

*New buildings should, in general, appear similar in height, mass, and scale to other buildings to maintain the area’s visual integrity and unique character. Although current zoning permits structures to exceed the prevailing height and width of existing buildings in the area, structures that introduce increased heights, width and scale should be designed so their perceived scale is compatible with the existing neighborhood character. The following guidelines address scale and proportion for new structures.*

- a. Design the structure to be compatible in scale and form with surrounding structures.*
- b. Relate the scale and proportions of architectural features and elements to existing structures on the block face to maintain block face rhythm and continuity.*
- c. Address conditions of wide or long structures.*
- d. For structures that exceed the prevailing height, reduce the appearance of bulk on upper stories to maintain the established block face rhythm.*
- e. Design the first floor façade to encourage a small-scale, pedestrian-oriented character.*

**B-3 Pike/Pine: Integration of Character Structures in New Development** (Supplemental guidance especially for properties located within the Pike / Pine Conservation Overlay District.)

- a. Develop a design Concept.*
- b. Do not overpower the character structure.*

- c. Express the relationship between the character structure and new portions of the project.*
- d. Emphasize the streetscape.*
- e. Align features of the character structure with features of new portions of the project*
- f. Consider design treatments that anchor the new structure to the streetscape.*

**B-7 Conservation of Character Structures (Supplemental guidance especially for properties located in the Pike/Pine Conservation Overlay District.)**

- a. Maintain the architectural integrity of the character structure.*
- b. Maintain Character-Defining Elements.*
- c. Recognize the priority for maintaining the original floor-to-ceiling heights in character structures, especially for the ground floor and for features visible from the exterior.*
- d. Sensitively locate additions so they do not dominate the appearance of the character structure.*

**C-1 Architectural Context**

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

*Pike/Pine: The Pike/Pine vernacular architecture is characterized by the historic auto-row and warehouse industrial features of high ground floor ceilings and display windows, detailed cornice and frieze work, and trim detailing. Architectural styles and materials that reflect the light-industrial history of the neighborhood are encouraged.*

**C-2 Architectural Concept and Consistency.**

- Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.
- Buildings should exhibit form and features identifying the functions within the building.

**C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

*Pike/Pine: New developments should respond to the neighborhood's light-industrial vernacular through type and arrangement of exterior building materials. Preferred materials include: brick, masonry, textured or patterned concrete, true stucco (DryVit is discouraged) with wood and metal as secondary, or accent materials.*

**C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

**D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

- D-6 Screening of Dumpsters, Utilities, and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.
- D-12 Residential Entries and Transitions.** For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.
- Pike/Pine: The creation of small and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.*
- E-2 Landscaping to Enhance the Building and/or Site.** Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated *gardens and art within the street right-of-way is encouraged to activate and enliven the public realm. Vertical landscaping, trellises or window boxes for plants is also desirable. Please see the Design Guidelines document for specific streets along which such treatment is emphasized.*

## DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) was based upon the departure's potential to help the project better meet the design guideline priorities and achieve a better overall design than could be achieved without the departure(s).

- 1. Maximum residential street level uses (23.47A.005.C.3):** The Code allows a maximum of 20% residential use at ground level for sites in commercial zones facing an arterial. The applicant proposes 29% residential use at the Bellevue Avenue façade, to allow for a residential lobby and fitness center. E. Pine St and Melrose Ave include limited or no residential uses at the street level.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-2, A-4, C-1, and D-12 by placing the residential lobby on the street frontage with the greater existing amount of residential context. Placing the residential lobby on Melrose Ave or E. Pine Street would remove commercial street frontage on streets where commercial street frontage responds to the existing context. The proposed residential lobby and street frontage on Bellevue Ave includes a large amount of glazing to enhance street level activation.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed at the end of this report.

- 2. Structural Building Overhangs (23.53.035.A.2):** The Code allows a maximum horizontal projection of 1' and a maximum vertical projection of 2'6" into the public right of way. The applicant proposes to rebuild the original early 20th century Timken Roller Bearing building cornice, which exceeds both maximum horizontal and vertical projections allowed for structural building overhangs. The cornice was removed at some point in the past, but will be rebuilt based on historic images and original architectural drawings.

This departure would provide an overall design that would better meet the intent of Design Review Guideline B-7 and the Pike Pine Conservation Overlay departure requirements listed in SMC 23.41.012.E, by rebuilding the original cornice of a character structure in this overlay.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed at the end of this report. This item may also be subject to Seattle Department of Transportation (SDOT) permitting requirements. Separate approval from SDOT may be required.

- 3. Setback above Character Structure (23.73.014.B.2.b):** The Code requires a 15-foot setback from the façade of a character structure on all street property lines. The applicant proposes to vary this setback between 7' to 19' from the edge of the character structures.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines B-1, B-2, B-3, and B-7, by providing modulation and enhancing the character structures below.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed at the end of this report.

## **BOARD RECOMMENDATION**

**The recommendation summarized below was based on the design review packet dated May 15, 2013, and the materials shown and verbally described by the applicant at the May 15, 2013 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design and departures, with the following conditions:**

1. The applicant should demonstrate to the DPD Planner that the design maximizes the pedestrian experience at the Melrose Ave garage entry, including additional vegetation at the street level. (A-2, A-4, A-8, A-9, C-5, D-1)
2. The pedestrian gate should be located further to the east and the design of the vehicular entry and courtyard entry should be modified to create a publicly accessible area adjacent to the sidewalk. (A-2, A-4, A-8, C-2, C-4, C-5)
3. The design of the pedestrian gate should be consistent with the design concept of the rest of the building. (A-2, A-4, A-8, C-2, C-4, C-5)
4. The retail terrace above the garage entry should be designed to maximize human activity interaction with the street level. (A-2, A-4, A-8, C-2, C-4, C-5)
5. The applicant should demonstrate to the DPD Planner that the plan for solid waste collection and commercial loading will have minimal impacts to the pedestrian experience on Melrose Ave. (D-12)

Applicant response to Recommended Design Review Conditions:

1. The applicant has provided graphics demonstrating a revised design that includes additional seating and landscaping near the Melrose Ave garage entry and the residential courtyard entry. The proposal satisfies recommended design condition #1, subject to MUP condition 6, requiring the MUP plans to be updated with this information.
2. The applicant has provided graphics demonstrating a revised design that relocates the pedestrian gate to the courtyard further to the east and provides additional public seating at Melrose Ave. The proposal satisfies recommended design condition #2, subject to MUP condition 6, requiring the MUP plans to be updated with this information.
3. The applicant has indicated that the design of the gate will be consistent with the overall design concept. The specific design of the gate shall be reviewed and approved by the Land Use Planner prior to the issuance of a building permit. The proposal satisfies recommended design condition #3, subject to MUP condition 7, requiring Land Use Planner approval of this design prior to issuance of a building permit.
4. The applicant has provided graphics demonstrating a revised design for the retail terrace and arbor. The proposal satisfies recommended design condition #4, subject to MUP condition 6, requiring the MUP plans to be updated with this information.
5. The applicant has demonstrated that the solid waste collection and loading plan will minimize impacts to the pedestrian experience on Melrose Ave. The proposal satisfies recommended design condition #5.

**DECISION – DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED** subject to the conditions listed below.

**SEPA ANALYSIS**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 29, 2012. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file, and pertinent comments which may have been received regarding this proposed action have been considered.

As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for many short and/or long term impacts. Applicable codes may include the

Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Additional discussion of short and long term impacts is found below.

### **PUBLIC COMMENT:**

The public comment period ended on October 3, 2012. Comments were received in response to the proposal, and are available for viewing in the DPD MUP file 3013342.

### **Short Term Impacts**

#### **Air**

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other greenhouse gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant. The other types of emissions are considered under the use-related impacts discussed later in this document. SEPA conditioning is not necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675.A.

#### **Environmental Health**

The applicant submitted a Draft Remedial Investigation Report Tables and Figures (Prepared by The Riley Group, dated August 24, 2012), which described existing soil contamination on site that exceeds cleanup levels defined in the Model Toxics Control Act (MTCA). If not properly handled, existing soil contamination could have an adverse impact on environmental health.

Mitigation of soil contamination and remediation is in the jurisdiction of Washington State Department of Ecology ("Ecology"), consistent with the City's SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for these materials. The City considers Ecology's jurisdiction and requirements for soil remediation will mitigate impacts associated with any contamination.

Per SMC 25.05.675.F, Ecology's review of the proposed cleanup activities at this site are assumed to be sufficient impact mitigation.

In order to ensure that the contaminated soils are cleaned up according to Ecology's requirements, the proposal is conditioned below. Prior to issuance of a DPD Master Use Permit, the applicant will be required to provide DPD with evidence that the proposed cleanup plan has been submitted to Ecology for review, under the Voluntary Cleanup Program or other review route.

### Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends. Some of the surrounding properties are developed with housing and will be impacted by construction noise.

The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by DPD prior to issuance of a demolition, grading, or building permit, whichever is issued first.

### Construction Parking and Traffic

During construction, parking demand is expected to increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The immediate area is subject to traffic congestion during the PM peak hours on nearby arterials, and large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted.

To mitigate construction parking impacts and other haul truck trip impacts, the applicant shall submit a Construction Haul Route for approval by Seattle Department of Transportation and Construction Parking Plan for approval by DPD. These plans may include a restriction in the hours of truck trips to mitigate traffic impacts on nearby arterials and intersections. Evidence of these approved plans shall be provided to DPD prior to the issuance of demolition, grading, and building permits.

### Long Term Impacts

#### Historic Preservation

The Department of Neighborhoods reviewed all structures on site and determined that none of the structures qualified as historic landmarks (Landmarks Preservation Board letters LPB 285/12, LPB 81/13, and LPB 178/13). Therefore, no mitigation is warranted for historic preservation.

#### Parking and Traffic

As part of the environmental checklist, the project submitted a transportation analysis (Traffic Impact Analysis by TENW, Melrose and Pine Mixed Use, dated August 29, 2012).

The project is expected to generate a net total of 301 daily vehicle trips, with 23 net new AM Peak Hour trips and 27 net new PM Peak Hour trips.

DPD's Transportation Planner has reviewed the Traffic and Parking Analysis and determined that the additional peak hour trips do not contribute significant adverse impacts requiring mitigation. Accordingly, no mitigation of impacts disclosed in this section is required.

The Transportation Impact Analysis noted that the residential peak parking demand for this development is 107 vehicles and peak commercial parking demand is 22 vehicles (129 total). The proposed number of parking spaces (170) is anticipated to supply more parking than would be needed at peak demand times.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in the Capitol Hill Urban Center. This site is located in that Urban Center, and the project is mostly residential with some commercial. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from the residential components of this project, even if impacts were identified.

### **DETERMINATION OF NONSIGNIFICANCE**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

### **SEPA - CONDITIONS OF APPROVAL**

#### **Prior to Issuance of a Demolition, Grading, or Building Permit**

1. The applicant shall provide a copy of a Construction Haul Route, approved by Seattle Department of Transportation.
2. The applicant shall provide a Construction Parking Plan to DPD. This plan requires DPD approval prior to issuance of a demolition or grading permit.



3. The applicant shall provide DPD with evidence that the proposed cleanup plan has been submitted to Ecology for review, under the Voluntary Cleanup Program or other review route.
4. If the applicant intends to work outside of the limits of the hours of construction described in condition #5, a Construction Noise Management Plan shall be required, subject to review and approval by DPD, and prior to a demolition, grading, or building permit, whichever is issued first. The Plan shall include proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short - term transportation impacts that result from the project.

#### During Construction

5. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition #4.

### **DESIGN REVIEW - CONDITIONS OF APPROVAL**

#### Prior to Issuance of a Master Use Permit

6. The MUP plans shall be updated to show the streetscape design presented to the Land Use Planner via email on August 2, 2013.

#### Prior to Issuance of a Construction Permit

7. Design of the courtyard gate shall be consistent with the overall design concept.

#### Prior to Certificate of Occupancy

8. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).
9. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

10. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

Signature: \_\_\_\_\_ (signature on file)      Date: September 16, 2013  
Shelley Bolser, AICP, LEED AP  
Senior Land Use Planner  
Department of Planning and Development

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